IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6592 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GE LIGHTING (INDIA) LTD

Versus

UNION OF INDIA

Appearance:
MR BHARAT T RAO for Petitioners
MR MUKESH R SHAH for Respondent No. 1, 2

CORAM : MR.JUSTICE B.C.PATEL
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 22/11/2000

ORAL JUDGEMENT (Per : MR.JUSTICE B.C.PATEL)

Rule. Mr.Mukesh R. Shah, learned counsel waives service service of rule.

2. Challenging the order made by the Commissioner (Appeals), Central Excise & Customs, Ahmedabad, against the petitioners for predepositing the amount, this petition is filed. Affidavit in reply is not filed.

3. We have heard both the learned counsel appearing in the matter, who are of the opinion that the Court need not entertain the petition on merits as the appeal is pending. Looking to the nature of the matter and in the special facts and circumstances of the case, we direct the Commissioner of Appeals to dispose the appeal on merits within the period of two months and not to insist for predeposit.

4. The petition is allowed. Rule is made absolute accordingly. No order as to costs.

(B.C. Patel, J.)

22nd November 2000 (Ravi R. Tripathi, J.)

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